

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC. d/b/a
BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

vs.

Civil Action
No. 04 11402

HARLEY-DAVIDSON MOTOR COMPANY,
INC., and BUELL DISTRIBUTION
COMPANY, LLC,

Defendants.

_____/

300 SE 2nd Street
Fort Lauderdale, Florida
February 2, 2005
1:00 p.m.

THE VIDEOTAPED DEPOSITION OF

DEBRA LUNSFORD

Taken on Behalf of the Defendants
Pursuant to Notice of Taking Deposition
Commencing at 1:12 p.m.

FLORIDA REALTIME REPORTING - 954.767.0450

	<p>2</p> <p>1 Thereupon: 2 DEBRA LUNSFORD 3 a witness named in the notice heretofore filed, 4 being of lawful age and having been first duly 5 sworn, testified on her oath as follows:</p> <p>4</p>
	<p>3</p> <p>14 Q. You've just been sworn. Your testimony is 15 being taken under oath. You're legally obligated to 16 give truthful testimony subject to the penalties of 17 perjury; do you understand that? 18 A. Absolutely. 19 Q. All right. I'm going to start by asking 20 you to identify the subpoena that was issued for 21 your deposition, which we've premarked as Exhibit 1. 22 (Thereupon, the referred-to document was 23 marked by the court reporter as Exhibit 1.) 24 BY MR. BERKOWITZ 25 Q. And I'll ask you if you've seen that</p> <p>5</p>

2 (Pages 2 to 5)

<p>1 subpoena before.</p> <p>2 A. Yes.</p> <p>3 Q. All right. And you're here in response to</p> <p>4 that subpoena?</p> <p>5 A. That is correct.</p> <p>6 Q. All right. And you and I have not spoken</p> <p>7 before, is that correct?</p> <p>8 A. Never.</p> <p>9 Q. All right. And have you spoken with any</p> <p>10 representative of Harley-Davidson Motor Company in</p> <p>11 connection with your deposition today?</p> <p>12 A. No.</p> <p>13 Q. And have you spoken with anyone besides</p> <p>14 your counsel about your deposition here today?</p> <p>15 A. No.</p> <p>16 Q. All right. Are you currently employed?</p> <p>17 A. No.</p> <p>18 Q. All right. When was the last time you</p> <p>19 were employed?</p> <p>20 A. August of 2003.</p> <p>21 Q. By whom were you employed at that time?</p> <p>22 A. DC Imports International.</p> <p>23 Q. When were you first employed by DC Imports</p> <p>24 International; in other words, when did you become</p> <p>25 employed by them?</p>	<p>6</p>	<p>1 A. In other words, if they were built for</p> <p>2 European specifications, they had things that had to</p> <p>3 be changed, such as the speedometers and different</p> <p>4 things on the bike. There's a list of several</p> <p>5 different parts that had to be switched out. They</p> <p>6 had to be inspected and things like that. And they</p> <p>7 were approved and done by the DOT and EPA</p> <p>8 guidelines.</p> <p>9 Q. Okay. What position did you hold with the</p> <p>10 company from '99 to 2003?</p> <p>11 A. Vice president.</p> <p>12 Q. Okay. Who was the president during that</p> <p>13 time?</p> <p>14 A. Diane Cooke.</p> <p>15 Q. Can you identify for us some of the other</p> <p>16 people that were employed there during the period</p> <p>17 1999 to 2003?</p> <p>18 A. Yes. There were a couple different</p> <p>19 people, but I'll -- let me try to remember. Sonia</p> <p>20 Paulovich.</p> <p>21 Q. And did she have a title or a position?</p> <p>22 A. No.</p> <p>23 Q. All right.</p> <p>24 A. She handled most of the clerical work.</p> <p>25 Q. All right.</p>	<p>8</p>
<p>1 A. In 1999.</p> <p>2 Q. Okay. Where do you reside today?</p> <p>3 A. Would you like the address?</p> <p>4 Q. Yes, please.</p> <p>5 A. 5896 Northwest 56th Drive, Coral Springs,</p> <p>6 Florida 33067.</p> <p>7 Q. Okay. And your date of birth, please?</p> <p>8 A. Is May 8, 1961.</p> <p>9 Q. Social Security number?</p> <p>10 A. 570-45-3793.</p> <p>11 Q. Are you married?</p> <p>12 A. Yes.</p> <p>13 Q. And your husband's name?</p> <p>14 A. Bran -- legal name is Branford,</p> <p>15 B-R-A-N-F-O-R-D, A. Lunsford.</p> <p>16 Q. Okay. And your maiden name?</p> <p>17 A. Is Youngblood.</p> <p>18 Q. Can you describe for us the nature of the</p> <p>19 business that was being operated by DC Imports</p> <p>20 International when you were employed there?</p> <p>21 A. Yes. We imported motorcycles and brought</p> <p>22 them back into compliance within the guidelines of</p> <p>23 the EPA and the DOT.</p> <p>24 Q. And what do you mean when you say brought</p> <p>25 them back into compliance?</p>	<p>7</p>	<p>1 A. Stephanie Westbrook.</p> <p>2 Q. And what did she do for the company?</p> <p>3 A. Clerical. Karen -- and I can't remember</p> <p>4 her last name. I'm so sorry.</p> <p>5 Q. Is it Christensen?</p> <p>6 A. Yes. Yes. Karen Christensen. And she</p> <p>7 was our accountant. Gus Gusoff.</p> <p>8 Q. Could you spell that for our stenographer?</p> <p>9 A. G-U-S-S-O-F (sic), I believe.</p> <p>10 Q. And what did he do for the company?</p> <p>11 A. Sales. And Slim, which his last name was</p> <p>12 Stevens. I believe his first name was Steve.</p> <p>13 Q. So his name is Steve Stevens, but they</p> <p>14 called his Slim?</p> <p>15 A. Correct.</p> <p>16 Q. And what did he do for the company?</p> <p>17 A. Sales. Let's see, Adrian Paulovich.</p> <p>18 Q. Adrian?</p> <p>19 A. Adrian, uh-huh. And he worked in the</p> <p>20 warehouse. And there was some other gentlemen that</p> <p>21 worked in the warehouse, but they came and went.</p> <p>22 Q. Okay.</p> <p>23 A. Okay. I don't remember their names. One</p> <p>24 was Chris. That's -- I don't remember the other</p> <p>25 names.</p>	<p>9</p>

<p>10</p> <p>1 Q. Okay. Do you know whether the company's 2 still operating today? 3 A. Absolutely not. 4 Q. Okay. What happened to the company? 5 A. We had to close the company. 6 Q. When did that happen? 7 A. It happened in 2003. 8 Q. All right. Why was the company closed? 9 A. Because a deal with Boston Harley-Davidson 10 that was done was not done correctly and it cost us 11 our company and we had to close it down. 12 Q. Now, I've seen some reference to a company 13 called DC Imports, Inc., as well as DC Imports 14 International, Inc.; were there two companies? 15 A. Two separate entities. 16 Q. All right. Now, did you work for both of 17 them or just one? 18 A. Just one. DC Imports International. 19 Q. All right. Where was DC Imports 20 International located? 21 A. Oh, God. Military Trail. 22 Q. In what city or town? 23 A. Deerfield Beach. 24 Q. All right. And how about DC Imports, 25 Inc.?</p>	<p>12</p> <p>1 DC Imports, Inc., as distinguished from DC Imports 2 International, Inc.? 3 A. Sonia Paulovich. Karen Christensen. 4 Stephanie Westbrook. And Adrian Paulovich. 5 Q. Okay. And did they carry out similar 6 duties with respect to DC Imports as DC Imports 7 International as you've already described? 8 A. That is correct. 9 Q. All right. To your knowledge, did the DC 10 in the title in each of the two companies stand for 11 Diane Cooke? 12 A. Yes. 13 Q. Do you know whether Diane Cooke was 14 involved in any other businesses besides 15 DC Imports/DC Imports International during the time 16 that you were employed by DC Imports International? 17 A. No, she was not. Not to my knowledge.</p>
<p>11</p> <p>1 A. The same place. 2 Q. All right. What was the difference 3 between the two companies to your understanding? 4 A. One was a -- 5 MR. REHNQUIST: Object to the form. 6 BY MR. BERKOWITZ 7 Q. Go ahead. You can answer. 8 A. Okay. One was a registered importer, 9 which was DC Imports. That was just an RI -- which 10 is called a registered importer. DC Imports 11 International was a ICI, which is a importer that 12 can do it from abroad. In other words, European 13 bikes were DC Imports International, and any bikes 14 coming from Canada or something like that, then they 15 only needed an RI. 16 Q. So -- 17 A. But I dealt with all the European. 18 Q. I see. 19 A. Okay. 20 Q. And what affiliation, to your knowledge, 21 did Diane Cooke have with DC Imports as 22 distinguished from DC Imports International? 23 A. She was the president. 24 Q. All right. Which of the people that 25 you've already identified for me, if any, worked for</p>	<p>13</p> <p>13 Q. Let me try again. As I understand it, 14 both of the companies would import motor vehicles 15 into the United States, is that correct? 16 A. That's correct. 17 Q. Okay. What did the companies do with them 18 once they got to the United States and they were 19 made compliant for US standards? 20 A. Okay. If -- if they were individual 21 bikes -- we did it for individuals as well, okay, 22 for military people. So they would, of course, come 23 get their motorcycle and do the appropriate type of 24 work so it would be legal in the United States. 25 The -- the motorcycles that we got in in</p>

4 (Pages 10 to 13)

<p style="text-align: right;">14</p> <p>1 bulk, those motorcycles would be resold. We would</p> <p>2 have -- people would buy those motorcycles. But it</p> <p>3 was all -- we never did individual. It was all</p> <p>4 dealer to dealer.</p> <p>5 Q. In other words, your customers were</p> <p>6 dealers, is that correct?</p> <p>7 A. Right. Like your mom and pops, you know,</p> <p>8 the majority of them were your mom and pops.</p> <p>9 Q. Okay. As distinguished from individual</p> <p>10 customers, is that right?</p> <p>11 A. Right. We didn't sell individual.</p> <p>12 Q. You didn't -- you didn't operate a retail</p> <p>13 business, in other words?</p> <p>14 A. No.</p> <p>15 Q. And I assume you didn't advertise for</p> <p>16 general consumer consumption?</p> <p>17 A. Absolutely not.</p> <p>18 Q. All right.</p> <p>19 A. We had no showroom. We had --</p> <p>20 Q. I'm going to ask you questions about DCI</p> <p>21 now, and when I refer to DCI, I'm referring to the</p> <p>22 entity that you were employed by, DC Imports</p> <p>23 International; do you understand?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. How did DCI obtain customers; how</p>	<p style="text-align: right;">16</p>
<p style="text-align: right;">15</p> <p>1 did they drum up business among dealers or other</p> <p>2 businesses?</p> <p>3 A. They found us.</p> <p>4 Q. Okay.</p> <p>5 A. That's basically how it happened. They</p> <p>6 found us. I mean, we didn't advertise at all.</p> <p>7 Q. In your estimation, were you generally</p> <p>8 known to motorcycle dealerships in your area?</p> <p>9 A. What happens -- what happens is there's a</p> <p>10 list that the DOT and EPA put out of all ICIs and</p> <p>11 what -- and geographically what area they're located</p> <p>12 in. So that list goes out to -- is known to the</p> <p>13 public and they found us. We didn't advertise. We</p> <p>14 didn't have to. We turned away business.</p>	<p style="text-align: right;">17</p>

5 (Pages 14 to 17)

22	24 3 Q. All right. Ms. Lunsford, at some point 4 did you become aware of Boston Harley-Davidson? 5 A. Yes. 6 Q. Approximately when was that? 7 A. Around the end of August 2003. 8 Q. All right. And this is Cycle-Craft 9 Company, Inc., doing business as Boston 10 Harley-Davidson? 11 A. That's correct.
23	25 14 Q. All right. I need to take this in baby 15 steps. 16 A. Okay. 17 Q. The first time -- 18 A. I was just trying to give you the whole 19 synopsis. 20 Q. And I want to come back and cover all of 21 that and more.

7 (Pages 22 to 25)

<p>26</p> <p>in</p> <p>22 Q. Okay. What was the next thing that 23 happened after you learned about the possibility to 24 buy these 19 motorcycles? 25 MR. REHNQUIST: Objection. Calls for a</p>	<p>28</p> <p>1 first time that you talked with anybody at Boston 2 Harley; was that with Mr. Buchbaum? 3 A. No. It was with Sean. 4 Q. Okay. And tell me what your conversation 5 was. 6 A. Sean didn't understand and nor did I why 7 we had to do it in 19 individual names, but Ron 8 insisted it be done that way because Ron insisted 9 that we have 19 different cashier checks in 10 individual names, and that was going to be a 11 difficult thing to do; why couldn't we just give it 12 one lump sum and let them divide the money on how 13 they want to do it because it was coming from the 14 same source?</p>
<p>27</p> <p>1 narrative. 2 BY MR. BERKOWITZ 3 Q. Go ahead. 4 A. We wanted to do the deal to get the 19 5 motorcycles dealer-to-dealer. They tried to -- 6 Q. Okay. Let me -- let me cut you off there. 7 A. Okay. 8 Q. Did you get involved directly and start 9 dealing with Boston Harley at this point? 10 A. Yes. 11 Q. Okay. What -- who did you talk to? 12 A. Ron Buchbaum. 13 Q. By phone, I assume? 14 A. Yes. And Sean -- I can't recall his last 15 name. Sean. 16 Q. If I were to suggest to you that it was 17 Walsh, does that ring a bell? 18 A. Yes, that's it. Sean Walsh. 19 Q. Okay. You talked to them both at the same 20 time or multiple times? 21 A. Not at the same time. Not at the -- not 22 on like a three-way conversation, not at the same 23 time, but I spoke to both of them on different 24 occasions. 25 Q. Okay. I'm going to ask you about the</p>	<p>29</p> <p>1 Q. All right. So in your first conversation 2 when you spoke to Sean, did you tell him that you 3 didn't want to do it that way? 4 A. Yes. 5 Q. And tell us what you told Sean. 6 A. I told Sean that it was going to be like 7 jumping through hoops to do it that way, and it was 8 dealer-to-dealer and why should we have to pay, you 9 know, tax on it when it's not individuals, it's 10 dealer-to-dealer. 11 Q. Tell us what you mean by 12 "dealer-to-dealer." 13 A. In other words, it's one -- we were -- at 14 that time when we had our retail license, we had to 15 get a dealer's license, so it was dealer-to-dealer. 16 That way you don't pay your sales tax when you do a 17 dealer-to-dealer. It's more like a wholesale deal. 18 Q. All right. 19 A. Am I -- 20 Q. And -- and what was Sean's reaction when 21 you said that you didn't want to do it that way? 22 A. He said that under no circumstances, that 23 Ron wouldn't go for it, that Ron told him that it 24 had to be done in 19 different names. 25 Q. Okay. Now, as of this point in time, you</p>

8 (Pages 26 to 29)

<p>30</p> <p>1 hadn't spoken with Ron, is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. What else was said in this</p> <p>4 conversation that you can remember between you and</p> <p>5 Sean?</p> <p>6 A. That's about it.</p> <p>7 Q. How did you leave it with him; was he</p> <p>8 going to go back and talk to Ron or what?</p> <p>9 A. Yeah. He was going to go talk to him and</p> <p>10 see what he could do, but he didn't give me very</p> <p>11 high hopes that he would change his mind.</p> <p>12 Q. All right. At the time that you called</p> <p>13 Mr. Walsh, did you know what you would do with the</p> <p>14 19 motorcycles if you obtained them?</p> <p>15 A. Yeah. We were going to try to wholesale</p> <p>16 them to another dealer.</p> <p>17 Q. Okay. Did you know which one at that</p> <p>18 point?</p> <p>19 A. No. That was still in the works.</p> <p>20 Q. Had there been any discussion about --</p> <p>21 well, strike that.</p> <p>22 Was Renegade Harley-Davidson in existence</p> <p>23 at that time?</p> <p>24 A. No.</p> <p>25 Q. All right.</p>	<p>32</p> <p>4 Q. Now, do you have an understanding as to</p> <p>5 whether either Ron Buchbaum or Sean Walsh knew that?</p> <p>6 A. Yes. They knew it. They knew that we</p> <p>7 were going to wholesale the bikes.</p> <p>8 Q. How did they know it?</p> <p>9 A. Because there were conversations with</p> <p>10 Slim, Gus, myself, you know, with them that -- you</p> <p>11 know, we explained to them that it was of the</p> <p>12 essence because we already had like a \$25,000</p> <p>13 deposit put down from Fort Lauderdale and we needed</p> <p>14 to get the bikes.</p> <p>15 Q. Did you tell Sean that you had a \$25,000</p> <p>16 deposit from Fort Lauderdale Harley-Davidson for the</p> <p>17 bikes?</p> <p>18 A. I don't remember if I told him that or not</p> <p>19 but he knew about the -- the money. I mean, I don't</p> <p>20 know if I directly told him it was for Fort</p> <p>21 Lauderdale because that would be, you know -- but he</p> <p>22 knew that I had the deposit on the bikes for a</p> <p>23 wholesale dealer, not necessarily Fort Lauderdale,</p> <p>24 because that would be like, you know --</p> <p>25 Q. Did you tell him that you had another</p>
<p>31</p> <p>1 MR. CONTINI: Answer the question that he</p> <p>2 asks.</p> <p>3 A. I know -- I believe that it was Fort</p> <p>4 Lauderdale that was interested in the motorcycles.</p> <p>5 BY MR. BERKOWITZ</p>	<p>33</p> <p>1 dealer that had given you a deposit for the bikes?</p> <p>2 A. Yeah. Absolutely.</p> <p>3 Q. All right.</p> <p>4 A. We told him we had a couple different</p> <p>5 ones.</p> <p>6 Q. All right. Do you recall anything else</p> <p>7 from your first conversation with Sean other than</p> <p>8 what you've already told us?</p> <p>9 A. No.</p> <p>10 Q. All right.</p> <p>11 A. I'm trying to think.</p>

9 (Pages 30 to 33)

36

9 A. Yeah, this was August.

25 A. Yes.

37

25 Q. Did he tell you —

<p>38</p> <p>1 A. -- so you could get the allocation. 2 Q. All right. And did he tell you why it 3 needed to show as a retail sale instead of a 4 dealer-to-dealer sale? 5 A. Because -- 6 MR. REHNQUIST: Object to the -- 7 A. -- of the allocation. 8 MR. REHNQUIST: Whoa, whoa. Object to the 9 form. 10 Go ahead. 11 THE WITNESS: I'm sorry. 12 BY MR. BERKOWITZ 13 Q. Was it because of the allocation? 14 A. Yes, sir. 15 Q. How did you leave it at the end of that 16 conversation? 17 A. That was the way I left it. 18 Q. That you weren't going to do it? 19 A. Uh-huh. 20 MR. CONTINI: You have to say yes. 21 BY MR. BERKOWITZ 22 Q. You have to answer verbally. 23 A. Yes. I'm sorry. 24 Q. All right. Tell us what happened next. 25 A. Somehow, some way, they -- Gus and Slim</p>	<p>40</p>
<p>39</p> <p>1 saved it and they said the deal was on again. 2 Q. Okay. Do you remember anything more 3 specifically about what they told you? 4 A. No. 5 Q. Did you get in -- did you get involved 6 again at some point? 7 A. Yeah, when the -- when the paperwork came 8 and the titling part. 9 Q. From your conversation with Mr. Buchbaum, 10 did you have an understanding as to whether he 11 wanted you to simply plug in names as fictitious 12 buyers for the 19 motorcycles? 13 MR. REHNQUIST: Object to the form. 14 A. Right. He told us to use family, friends, 15 whatever. It didn't matter. Just -- you know, they 16 just needed 19 names. 17 BY MR. BERKOWITZ 18 Q. Did -- in your conversation with 19 Mr. Buchbaum, did you have -- did you mention at all 20 the fact that the motorcycles were going to go to 21 another dealer? 22 A. Yeah. I told him that we had a deposit 23 from another dealer. He knew they were being 24 wholesaled. That was the whole point of the whole 25 deal.</p>	<p>41</p>

11 (Pages 38 to 41)

<p>46</p> <p>6 Q. The conversations that you had with Ron 7 Buchbaum and Sean that you've already told us about, 8 those took place in the -- in the end of July time 9 frame, not the end of August, is that correct? 10 A. That is correct. Yes. 11 Q. Okay. Of 2003? 12 A. Of 2003.</p>	<p>48</p> <p>1 premarked as Defendant's Exhibit 4 as those checks? 2 And take your time and look through them.</p> <p>19 Q. Can you identify those as the cashier's 20 checks? 21 A. I'd like to invoke my Fifth on this.</p>
<p>47</p> <p>21 Q. Did you cause 19 separate cashier's checks 22 to be issued for these motorcycles, payable to 23 Boston Harley-Davidson? 24 A. Yes. 25 Q. All right. Can you identify what we've</p>	<p>49</p>

13 (Pages 46 to 49)

<p>50</p>	<p>52</p> <p>1 Q. And if you look at Exhibit 3, the date of 2 the fax of the bills of sale is also July 28, 2003, 3 is that right? 4 A. Yes. 5 Q. Do you recall when payment was made, that 6 is, the checks were delivered to Boston 7 Harley-Davidson in relation to when they were issued 8 by the bank; in other words, did a number of days go 9 by or were they immediately delivered or do you 10 remember? 11 A. I'm sure they were FedEx'd immediately.</p>
<p>51</p> <p>1 Q. And to your knowledge did any of those 2 people provide any funds for the purchase of any of 3 these motorcycles to DCI?</p> <p>10 A. No, they did not. This was all DC 11 International's money. 12 Q. Okay. And this was -- these funds were 13 coming out of DC International's bank account at 14 Northern Trust Bank of Florida, is that correct? 15 A. That's correct. 16 MR. REHNQUIST: Objection. Leading. 17 (Conferring with counsel.) 18 MR. CONTINI: I apologize, gentlemen, for 19 the interruptions on my behalf before. 20 BY MR. BERKOWITZ 21 Q. The -- the date of the checks, of all of 22 the checks, is July 28, 2003; do you see that? 23 A. Yes. 24 Q. That's on Exhibit 4, correct? 25 A. Yes.</p>	<p>53</p>

14 (Pages 50 to 53)

<p>54</p>	<p>56</p> <p>16 Q. So did you have to collect driver's 17 licenses from the 19 individuals? 18 A. Yes. 19 Q. Showing you Exhibit 8, can you identify 20 that document for us? Take your time. 21 (Thereupon, the referred-to document was 22 marked by the court reporter as Exhibit 8.) 23 MR. REHNQUIST: Is Exhibit 8 a -- a subset 24 of the documents that were produced in the -- 25 MR. BERKOWITZ: Yes, these --</p>
<p>55</p> <p>2 Q. And was there a reason why 19 checks were 3 made out to the tax collector, instead of a single 4 check, to your knowledge? 5 A. Because they were being done as 6 individuals. 7 Q. Okay. Was this to maintain the fiction of 8 19 buyers for these motorcycles? 9 A. Yes.</p>	<p>57</p> <p>1 MR. REHNQUIST: -- the -- the bound 2 document with a bunch of tabs? 3 MR. BENSON: Yes. 4 MR. BERKOWITZ: I believe that's correct, 5 yes. 6 A. Yes, these were the driver's license 7 because these were the individual names. 8 BY MR. BERKOWITZ 9 Q. All right. I want to go through these one 10 by one. The first page of Exhibit 8 is a driver's 11 license for Thomas Stimpson, do you see that? 12 A. Yes. 13 Q. And who was he? Or who is he? 14 A. I don't know. He's a friend of somebody 15 that worked there. I don't know. 16 Q. All right. But he was asked to fax his 17 driver's license over to DCI for use in connection 18 with the acquisition of these 19 motorcycles? 19 A. Yes. 20 Q. All right. And then the next one is your 21 driver's license, is that correct? 22 A. That's correct. 23 Q. The next page is a driver's license for 24 Jason Anthony Gotham, is that correct? 25 A. Yes.</p>

15 (Pages 54 to 57)

<p>58</p> <p>1 Q. All right. And there's a handwritten note</p> <p>2 to Slim, is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And who is Mr. Gotham?</p> <p>5 A. I guess it's a friend of Slim's.</p> <p>6 Q. All right. The next one is Edward B.</p> <p>7 Stevens, do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know who Edward B. Stevens is?</p> <p>10 A. Slim's grandfather.</p> <p>11 Q. The next one is Kevin W. Greene, do you</p> <p>12 see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know who Kevin Greene is?</p> <p>15 A. No, I do not.</p> <p>16 Q. The next driver's license in this package</p> <p>17 is Carolyn -- looks like Caznina (sic), do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know this individual?</p> <p>21 A. No, I do not.</p> <p>22 Q. All right. The next driver's license is</p> <p>23 Sonia Paulovich?</p> <p>24 A. Yes.</p> <p>25 Q. And do you know Sonia?</p>	<p>60</p> <p>1 Q. Tried to come up with as many names as you</p> <p>2 could?</p> <p>3 A. The 19 names.</p> <p>4 Q. All right. The next one, it's hard to</p> <p>5 make out from the copy that we got, but it indicates</p> <p>6 Craig Kapilla at the top, do you see that?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you know who that was?</p> <p>9 A. I don't know.</p> <p>10 Q. All right. The next driver's license is</p> <p>11 Renee Myllymake (sic)?</p> <p>12 A. That was Gus' girlfriend.</p> <p>13 Q. Okay. The next one is Jason J. Lozon, do</p> <p>14 you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know who that was?</p> <p>17 A. No.</p> <p>18 Q. The next one is Louis James Gusoff, a</p> <p>19 Michigan's driver's license, do you know who that</p> <p>20 was?</p> <p>21 A. Gus' dad.</p> <p>22 Q. Okay. The next one is James Carl Gusoff,</p> <p>23 do you know who that was?</p> <p>24 A. No. It's a relative of Gus', okay. I'm</p> <p>25 sorry.</p>
<p>59</p> <p>1 A. Yes.</p> <p>2 Q. And did Sonia -- I think you already</p> <p>3 indicated --</p> <p>4 A. Yes.</p> <p>5 Q. -- Sonia worked at the company at the</p> <p>6 time?</p> <p>7 A. That's correct.</p> <p>8 Q. And did you ask Sonia to provide her</p> <p>9 driver's license in connection with this</p> <p>10 transaction?</p> <p>11 A. Yes.</p> <p>12 Q. The next driver's license is Leopold</p> <p>13 Larsen, do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know Leo Larsen?</p> <p>16 A. Yes.</p> <p>17 Q. And did he work at DCI?</p> <p>18 A. No.</p> <p>19 Q. Okay. What did --</p> <p>20 A. That was Sonia's --</p> <p>21 Q. What connection did he have?</p> <p>22 A. Sonia's boyfriend at the time.</p> <p>23 Q. All right. Did you ask Sonia to ask her</p> <p>24 boyfriend to send his driver's license?</p> <p>25 A. No, we just asked everybody.</p>	<p>61</p> <p>1 Q. Gus is known as Gus from his last name,</p> <p>2 not his first, I take it?</p> <p>3 A. Exactly.</p> <p>4 Q. All right. What's his first name, Gus?</p> <p>5 A. No. It's Gus Gusoff. That is his name.</p> <p>6 Q. Oh, okay, it is his --</p> <p>7 A. It's Gus -- it is his first name, Gus</p> <p>8 Gusoff.</p> <p>9 Q. All right.</p> <p>10 A. But any Gusoff has to be, I guess, one of</p> <p>11 his relatives.</p> <p>12 Q. Okay. The next one is Harold Christensen?</p> <p>13 A. Karen's husband.</p> <p>14 Q. All right. And then Karen Christensen?</p> <p>15 A. Karen.</p> <p>16 Q. All right. The next one is Daniel William</p> <p>17 Gusoff -- Gusoff?</p> <p>18 A. Better known as Gus.</p> <p>19 Q. Okay. So that's Gus.</p> <p>20 A. Okay.</p> <p>21 MR. REHNQUIST: I'm sorry, this is Gus --</p> <p>22 A. Daniel is Gus.</p> <p>23 BY MR. BERKOWITZ</p> <p>24 Q. The next one is Branford A. Lunsford. Is</p> <p>25 that your husband?</p>

16 (Pages 58 to 61)

<p>1 A. That's my husband.</p> <p>2 Q. The next one is Michael E. Stevens?</p> <p>3 A. Slim.</p> <p>4 Q. That was Slim?</p> <p>5 A. Yeah. So his name is Michael E. It's not</p> <p>6 Steve.</p> <p>7 Q. Okay. Then the last one here is Heather</p> <p>8 Danielle Wingard?</p> <p>9 A. It's my daughter.</p>	

17 (Pages 62 to 65)

90

92

18 Q. Okay. At some point you took delivery on
19 these motorcycles, is that correct, at DCI?

20 A. That's correct.

21 Q. And how were the -- how were the
22 motorcycles delivered to DCI?

23 A. By a transport company.

24 Q. Okay. So you contracted with a company to
25 go and get the 19 motorcycles at Harley-Davidson of

91

93

1 Boston and bring them back down to DCI?

2 A. Yes.

3 Q. All right. And on or about August 5th,
4 2003, did something happen?

5 MR. REHNQUIST: Objection.

6 A. August 5th? Yes.

7 MR. BERKOWITZ: Just a minute.

8 (Thereupon, a discussion was held off the
9 record, after which the following proceedings
10 were held:)

11 BY MR. BERKOWITZ

12 Q. Prior to their arrival at DCI, had you
13 seen these motorcycles before?

14 A. No.

15 Q. All right. What happened on August 5th,
16 2003?

17 A. Two investigators walked into our office
18 and asked to see the files on these 19 motorcycles.

19 Q. All right. And these were investigators
20 from the Florida Highway Patrol?

21 A. Yes.

22 Q. And did you speak with either of the
23 investigators?

24 A. With both of them.

25 Q. With both of them?

24 (Pages 90 to 93)

<p>94</p> <p>1 A. Yes.</p> <p>2 Q. Did you speak with Corporal Anthony</p> <p>3 Caserta, Jr., who authored this incident report that</p> <p>4 we see at Pages 46 to 47 of Exhibit 17?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Directing your attention to Officer</p> <p>7 Caserta's incident report and to the section with</p> <p>8 the heading "narrative," towards the bottom of the</p> <p>9 page, numbered 46, do you see that?</p> <p>10 A. Right here, yes.</p> <p>11 Q. Yes. Could you please just read that</p> <p>12 narrative silently to yourself and then I have a</p> <p>13 couple of questions about it.</p>	<p>96</p> <p>3 Q. Okay. Directing your attention to Page 46</p> <p>4 and the sentence that begins "The records," "The</p> <p>5 records reflect that DC Imports applied for" – and</p> <p>6 then we're missing a word – "in the name of 19</p> <p>7 individuals who are friends or family of Mrs. Cooke</p> <p>8 to make the purchases look like individual retail"</p> <p>9 and then we have SA, but not the rest of the word.</p> <p>10 "This was done to circumvent Harley-Davidson policy</p> <p>11 prohibiting dealer to dealer sales." Do you see</p> <p>12 that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And is it true that what you've</p> <p>15 testified to in connection with these 19 motorcycles</p> <p>16 that were purchased by DCI, that the identification</p> <p>17 of 19 individuals as fictitious purchasers was, in</p> <p>18 fact, done to circumvent the Harley-Davidson policy</p> <p>19 prohibiting dealer-to-dealer sales?</p> <p>20 MR. REHNQUIST: Objection.</p> <p>21 A. Absolutely.</p> <p>22 BY MR. BERKOWITZ</p> <p>23 Q. All right. And whose idea was that?</p> <p>24 A. Ron Buchbaum of Boston Harley-Davidson.</p>
<p>95</p>	<p>97</p>

25 (Pages 94 to 97)

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<p>110</p>	<p>112</p> <p>9 Q. Okay. We've marked as Exhibit 20 a 10 document in our lawsuit up in Boston that's entitled 11 declaration of Kenneth McPhee. I know you haven't 12 seen this document before, but I'm going to ask you 13 a couple of questions about what Mr. McPhee says in 14 his declaration. 15 (Thereupon, the referred-to document was 16 marked by the court reporter as Exhibit 20.) 17 BY MR. BERKOWITZ 18 Q. Did you ever have any conversation with 19 Kenneth McPhee? 20 A. I don't know who Kenneth McPhee is. 21 Q. All right. Do you see in Paragraph 2 of 22 his declaration that he identifies himself as the 23 operations manager of plaintiff Cycle-Craft Company, 24 Inc., d/b/a Boston Harley-Davidson/Buell? 25 A. Yes.</p>
<p>111</p>	<p>113</p> <p>1 Q. All right. I'd like to direct your 2 attention to the second page of this declaration and 3 specifically, Paragraph 6. I'm going to ask you to 4 read that silently to yourself, please. 5 Just let me know when you've finished it. 6 A. Okay. 7 Q. All right. Directing your attention to 8 the second sentence of this paragraph, it reads, "In 9 point of fact, according to the criteria set out in 10 the Harley-Davidson nonretail sales policy by which 11 I and my staff evaluate each and every motorcycle 12 purchase, each of these motorcycles was purchased by 13 an individual." Do you see that sentence? 14 A. Yes, I do. 15 Q. And is it true that each of these 16 motorcycles was purchased by an individual? 17 A. No. 18 Q. Were the motorcycles purchased by DCI? 19 A. Yes, they were. 20 Q. And was Boston Harley-Davidson aware of 21 that? 22 A. Yes, they were. 23 MR. REHNQUIST: Objection. 24 BY MR. BERKOWITZ 25 Q. The next sentence states, "Each individual</p>

29 (Pages 110 to 113)

<p style="text-align: right;">114</p> <p>1 purchaser took title to his or her motorcycle in his 2 or her own name, as reflected on the certificates of 3 origin in each deal jacket." Do you see that 4 sentence? 5 A. Yes, I do. 6 Q. Is that sentence true? 7 A. No. 8 Q. In fact, DCI purchased all of the 19 9 motorcycles, is that correct? 10 A. Yes, we did. 11 MR. REHNQUIST: Objection. 12 BY MR. BERKOWITZ 13 Q. And Boston Harley-Davidson was aware of 14 that, is that correct? 15 MR. REHNQUIST: Objection, leading. 16 A. Boston Harley-Davidson instructed us to do 17 it that way. 18 BY MR. BERKOWITZ 19 Q. The last sentence of Paragraph 6 states, 20 quote, on paper and as far as anyone at Cycle-Craft 21 knew or could have known, these were sales to 22 individual purchasers in compliance with all 23 Harley-Davidson policies, end quote. Do you see 24 that statement? 25 A. Yes, I do.</p>	<p style="text-align: right;">116</p> <p>1 submitted to the court by the Boston Harley-Davidson 2 dealership. And I'm going to direct your attention 3 to Page 8. 4 A. Okay. 5 Q. And I'll ask you to read silently to 6 yourself the paragraph that appears under 7 Section 4A. 8 A. Okay.</p>
<p style="text-align: right;">115</p> <p>1 Q. Is that a true statement? 2 A. That's a false statement. 3 Q. In fact, Boston Harley-Davidson was aware 4 that, in fact, these vehicles were being purchased 5 by DCI and not the individual purchasers listed on 6 the MSOs, is that correct? 7 A. That's correct. 8 MR. REHNQUIST: Objection -- objection, 9 leading. 10 BY MR. BERKOWITZ 11 Q. Is that correct? 12 A. That's correct. 13 MR. REHNQUIST: Objection. 14 That was 20? 15 MR. BENSON: Yes. 16 MR. BERKOWITZ: That was 20. 17 BY MR. BERKOWITZ 18 Q. I'm now going to show you what we've 19 marked as Exhibit 21, which is, I know, another 20 document that you've never seen. 21 (Thereupon, the referred-to document was 22 marked by the court reporter as Exhibit 21.) 23 BY MR. BERKOWITZ 24 Q. This is a memorandum of law in support of 25 motion for preliminary injunction support --</p>	<p style="text-align: right;">117</p> <p>6 Q. All right. But you do know that 19 7 motorcycles were sold by Boston Harley-Davidson to 8 DC Imports International, is that correct? 9 A. That is correct. 10 Q. All right. In the next sentence, it 11 states, "In fact, each of these motorcycles was 12 purchased by an individual customer." Do you see 13 that statement? 14 A. Yes. 15 Q. And is that a true statement? 16 A. That's a false statement. 17 Q. All right. It goes on to state in the 18 next sentence, in keeping -- quote, in keeping with 19 the provisions of the nonretail policy, each 20 purchaser took title to his or her motorcycle in his 21 or her own individual name, as reflected on the 22 certificate of origin for each motorcycle. Do you 23 see that sentence? 24 A. Yes, I do. 25 Q. Is it true that each purchaser took title</p>

<p style="text-align: right;">118</p> <p>1 to his or her motorcycle in his or own -- her own 2 individual name? 3 A. That's not true. 4 Q. The last sentence in this paragraph prior 5 to the citation to the McGrath declaration states, 6 and I quote, each of these units was properly set 7 up, inspected, and sold at the dealership. Do you 8 see that statement? 9 A. Yes. 10 Q. Were these units sold at the Boston 11 Harley-Davidson dealership? 12 MR. REHNQUIST: Objection. Form. 13 A. They were not sold to the individuals at 14 that dealership. 15 BY MR. BERKOWITZ 16 Q. As you testified earlier, you contracted 17 with a carrier to go up and pick up the -- 18 A. Nineteen. 19 Q. -- the 19 motorcycles and deliver them 20 back to the purchaser, which was DCI, is that 21 correct? 22 MR. REHNQUIST: Objection. Leading. 23 Form. 24 A. That is correct. 25</p>	<p style="text-align: right;">120</p> <p>1 Highway Patrol and the resolution of that 2 investigation, do you have an understanding that the 3 consequences of your giving false testimony could be 4 very serious? 5 A. I absolutely understand. 6 Q. And has all your testimony today been 7 honest and truthful? 8 A. It has been honest and truthful. 9 Q. And other than Mr. Buchbaum and Mr. Walsh, 10 did you have any communications at any time with any 11 other individual at Boston Harley-Davidson that you 12 can recall? 13 A. Not unless it was somebody that was 14 answering the telephone and put you on hold to get 15 to the person. I mean, like a secretary or 16 something like that. 17 Q. And is it your testimony here today under 18 oath that the idea of creating 19 retail customers 19 and making this appear to be 19 retail sales was the 20 idea of Mr. Buchbaum? 21 MR. REHNQUIST: Objection. 22 A. Yes. It was his -- it was his idea 23 totally.</p>
<p style="text-align: right;">119</p> <p>14 Q. Why do you say that? 15 A. Because the only communications that we 16 had about these motorcycles were directly with DC 17 Imports International with Boston Harley-Davidson. 18 That's the only -- they never talked to these 19 individuals. They didn't even know who these 20 individuals were. 21 Q. Do you understand what the consequences 22 might be for your not giving honest and truthful 23 testimony today? 24 A. Yes. 25 Q. And given the investigation by the Florida</p>	<p style="text-align: right;">121</p>

<p>122</p>	<p>124</p> <p>3 Q. Okay. Let me -- let me -- let me ask this 4 question. Do you understand that Libby's Tag and 5 Title submitted documentation on behalf of DC 6 Imports International to the State of Florida in an 7 effort to get title for 19 motorcycles? 8 A. Yes. 9 Q. I mean, you recall being questioned about 10 Exhibit 2, which was a fax that you sent to Libby, 11 providing some of that information? 12 A. Yes. 13 Q. And you sent that -- you sent that fax to 14 Libby on July 30th? 15 A. Yes. 16 Q. What's Libby's last name, by the way, do 17 you know? 18 A. I can't remember. 19 Q. But the business is Libby's Tag and Title? 20 A. Right. It's -- it should be on her 21 receipt thing. 22 Q. Okay. Are they still in business, as far 23 as you know? 24 A. I have no idea. 25 Q. Take a look at Tab A of Exhibit 23.</p>
<p>123</p>	<p>125</p> <p>1 You'll see the first page behind Tab A is an invoice 2 from Libby's? 3 A. Yes. 4 Q. And do you see that the next several pages 5 of documents in Tab A appear to be Boston 6 Harley-Davidson bills of sale? 7 A. Yes. And it looks like there's an MSO. 8 Q. And following the bills of sale are MSOs? 9 A. Yes. 10 Q. And do you see that the -- the bills of 11 sale in Exhibit A do not have any price listed for 12 the bike in the right-hand column? 13 A. Yes. 14 Q. Do you know how it came to pass that these 15 bills of sale without any prices in the right-hand 16 column were prepared? 17 A. I -- I don't know. I can't remember. 18 Q. Do you have any knowledge of you or anyone 19 at DC Imports altering the bills of sale that you 20 received from Boston Harley-Davidson? 21 A. Yes. I did. 22 Q. Okay. Can you tell me what you did as far 23 as altering the bills of sale that you received from 24 Harley-Davidson? 25 A. We didn't know what the price was on the</p>

32 (Pages 122 to 125)

<p style="text-align: right;">126</p> <p>1 motorcycles because the deal had changed so many 2 times, so until we found out what the price was 3 going to be, because we never received any originals 4 from Boston Harley-Davidson. 5 Q. So were these blank bills of sale 6 documents that you sent to Libby at a time when you 7 did not know the purchase price for the bikes? 8 A. Yes, that's correct.</p>	<p style="text-align: right;">128</p>
<p style="text-align: right;">127</p>	<p style="text-align: right;">129</p> <p>13 Q. Okay. Did the -- and you provided Libby 14 of Libby's Tag and Title with the bill of sale with 15 the whited out -- with the -- with the new number 16 that you had revised? 17 A. No. No. She had a blank one. She had 18 the blank bills of sales. She never had an amount 19 on the bill of sale. 20 Q. Did you -- what did you do then with 21 the -- the bills of sale that had the revised 22 numbers? 23 A. We took these and put all the paperwork 24 together to take them to West Palm to get them 25 titled. And then we had the taxes. We had the</p>

33 (Pages 126 to 129)

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<p style="text-align: right;">130</p> <p>1 taxes figured up on this. And cut the checks for 2 the amount of taxes for the individuals and sent it 3 up to West Palm to get everything titled. 4 Q. Okay. So the way it worked was that Libby 5 would fill out the applications and then return them 6 to you and you would send them to -- to West Palm 7 for the title? 8 A. Typically she would do everything because 9 it was being done -- we had never done individuals 10 like this, you know what I'm saying, so to speak, so 11 basically she would fill out and do everything. But 12 on this particular instance, because of the way that 13 the deal was arranged, she just filled out the -- 14 like the name and the -- you know, all the pertinent 15 information, and then we had to put it together on 16 the back end. 17 Q. So you -- you prepared the -- the actual 18 bills of sale that were submitted to -- to West Palm 19 for titling? 20 A. Yes. 21 Q. And did you do that for all of the 19 22 bills of sale? 23 A. Yes. 24 Q. You personally did that? 25 A. Yes.</p>	<p style="text-align: right;">132</p>
<p style="text-align: right;">131</p> <p>1 Q. And when you say to West Palm for -- for 2 titling, can you -- can you just help me with 3 what -- what that means? Is that the -- the 4 register -- 5 A. To the -- to the department where they -- 6 you know, you just take the package to them and 7 they -- you drop it off to them and they -- 8 Q. Is that the department of motor safety 9 or -- 10 A. Motor vehicles.</p>	<p style="text-align: right;">133</p> <p>13 Q. And again, just to sum up, these are bills 14 of sale on which you altered the purchase price that 15 was on the document when you received it from 16 Harley-Davidson? 17 MR. BERKOWITZ: You mean Boston 18 Harley-Davidson? 19 MR. REHNQUIST: I'm sorry, from Boston 20 Harley-Davidson. 21 A. Yes.</p>

<p>138</p>	<p>140</p> <p>22 Q. And you did plead guilty to a charge, 23 correct? 24 A. Yes. One charge of title fraud. 25 Q. Right. And that – and that's a felony in</p>
<p>139</p> <p>5 Q. Now, it was this – it was submitting 6 false information to the Department of Motor 7 Vehicles or the department of motor safety that led 8 to your criminal conviction, isn't it? 9 A. That's correct.</p>	<p>141</p> <p>1 the State of Florida? 2 A. Yes. 3 Q. And you received a sentence of one year 4 probation, is that my understanding? 5 A. Pretrial intervention.</p>

36 (Pages 138 to 141)

<p>142</p> <p>9 But your 10 understanding is that you did plead guilty to a 11 charge of title fraud? 12 A. Yes. 13 Q. And you pled guilty because you had 14 committed that crime, is that correct? 15 A. Yes. 16 Q. And you understood when you pleaded guilty 17 that you could have gone to trial and tried to 18 defend against that charge? 19 A. Yes. 20 Q. And you understood and I imagine you were 21 in front of a judge who told you if you went to 22 trial, you had all kind of defenses, you could 23 cross-examine witnesses, the government would have 24 to prove its case beyond a reasonable doubt and 25 other things like that; you understood all that, correct?</p>	<p>144</p>
<p>143</p> <p>1 A. Yes. 2 Q. And instead, you pleaded guilty because 3 you were guilty? 4 A. Yes.</p>	<p>145</p>

37 (Pages 142 to 145)

<p>146</p>	<p>148</p>
<p>147</p> <p>14 Q. Did you instruct Karen Christensen to -- 15 to go to Northern Bank & Trust and receive cashier's 16 checks for the purchase prices of the -- the 19 17 sales? 18 A. I invoke my Fifth. 19 Q. Did you instruct Karen Christensen to 20 Federal Express those cashier's checks to Boston 21 Harley-Davidson? 22 A. I invoke my Fifth. 23 Q. Did you discuss with Karen Christensen 24 whether there might be criminal exposure in the 25 nature of bank fraud in the dealings that you and she contemplated with Northern Bank & Trust? A. I invoke my Fifth. Q. Did you have any conversations with Karen Christensen about the paperwork that she had to submit to Northern Bank & Trust in order to receive the 19 cashier's checks? A. I invoke my Fifth.</p>	<p>149</p> <p>4 Q. Okay. Now, you have apparently agreed, by 5 virtue of your plea agreement, that submitting false 6 application to the Department of Motor Vehicles was 7 title fraud, is that correct? 8 A. Yes. 9 Q. Did you tell Libby of Libby's Tag and 10 Title that you were -- that you were intending to 11 submit false information to the Department of Motor 12 Vehicles? 13 A. No. 14 Q. Did you tell -- well, just if you look on 15 Tab 2 of Exhibit 23, the -- the fourth page of Tab 2 16 is a copy of a driver's license; that's Michael 17 Stevens, also known as Slim? 18 A. Yes. 19 Q. And for each of the 19 motorcycles, you 20 submitted to the -- well, I haven't asked this 21 question. Let me ask it. 22 Did -- did you submit a copy of the 23 driver's license in connection with the packet of 24 materials you sent to the Department of Motor 25 Vehicles?</p>

38 (Pages 146 to 149)

<p>150</p> <p>1 A. Yes.</p> <p>20 Q. You compiled the information and gave it</p> <p>21 to Karen to take to West Palm?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And if you look at Tabs 2 through</p> <p>24 19 -- and we've been through these before for --</p> <p>25 well, let me -- let me do it a faster way. For each</p>	<p>152</p> <p>1 to the Department of Motor Vehicles?</p> <p>2 A. No.</p>
<p>151</p> <p>1 of these 19 motor vehicles, did you give to Karen a</p> <p>2 copy of a driver's license with the names that we've</p> <p>3 gone over as part of that package?</p> <p>4 A. Yes.</p> <p>23 Q. Well, but -- so did you tell anybody whose</p> <p>24 driver's license you submitted that you were</p> <p>25 altering other documents that were being submitted</p>	<p>153</p>

39 (Pages 150 to 153)

158	160
159 9 Q. Okay. Did -- did you overhear or 10 participate in a conference call with any 11 conversations that -- that Gus or Slim had with 12 anyone from Boston Harley-Davidson? 13 A. I don't remember. 14 Q. So your knowledge of what Boston 15 Harley-Davidson said or did is based on what you 16 heard from Gus or what you heard from Slim or what 17 you personally heard yourself? 18 A. What I personally -- yes. 19 Q. Those are the three sources? 20 A. Right.	161

41 (Pages 158 to 161)

<p>162</p>	<p>164</p> <p>1 A. That's about it.</p> <p>2 Q. And again, Sean was -- do I have this</p> <p>3 right, that Sean was telling you that Ron insisted</p> <p>4 that it be 19 individual sales?</p> <p>5 A. That's right.</p>
<p>163</p> <p>4 Q. Ms. Lunsford, I want to ask you about your</p> <p>5 conversations with Sean Walsh.</p> <p>6 A. Okay.</p> <p>7 Q. And I want you, as carefully as you can,</p> <p>8 not necessarily using the exact words, but I want</p> <p>9 you to tell me everything that you remember that</p> <p>10 Sean Walsh said to you in each of those</p> <p>11 conversations.</p> <p>12 A. Well, really, one of the conversations</p> <p>13 that stands out to me was the one when we were</p> <p>14 trying to get the payment for the 19 motorcycles and</p> <p>15 he said that Ron wanted it in 19 individual names.</p> <p>16 We couldn't pay in one lump check. And we were both</p> <p>17 kind of kidding around with each other, you know,</p> <p>18 saying, you know, what a pain in the butt, you know,</p> <p>19 to have to do that, to put it in 19 different names,</p> <p>20 when we could just do it in one check.</p> <p>21 Q. So you and Sean were frustrated at the</p> <p>22 requirement that it had to be -- had to be 19 sales?</p> <p>23 A. Right.</p> <p>24 Q. What else do you remember about that</p> <p>25 conversation with Sean?</p>	<p>165</p> <p>12 Q. And what do you remember Ron saying, as</p> <p>13 accurately as you can, in the first conversations?</p> <p>14 A. Just that --</p> <p>15 Q. Or do you recall the circumstances of</p> <p>16 what -- that led you to talk to Ron in the first</p> <p>17 place?</p> <p>18 A. I think it was an intervention. I can't</p> <p>19 remember exactly how it came to be that I got on the</p> <p>20 telephone with him. But I think it started out with</p> <p>21 Gus and Slim and then I ended up getting on the</p> <p>22 phone because the price on the bikes had changed or</p> <p>23 something. And -- and then Ron was saying that, you</p> <p>24 know, that was the only way that the deal could be</p> <p>25 done and it had to be done by that Saturday or he</p>

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<p style="text-align: right;">166</p> <p>1 was going to sell the bikes.</p> <p>2 Q. And you understood that he had to -- your</p> <p>3 understanding -- well, did -- did Ron say in this</p> <p>4 conversation why he had to get the deal done by</p> <p>5 Saturday? Did Ron himself say why?</p> <p>6 A. Yeah. He said that he had to get those</p> <p>7 bikes off the floor because of his allocation.</p> <p>8 Q. Did he specifically refer to his</p> <p>9 allocation in that conversation?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall anything else that Ron</p> <p>12 Buchbaum said in this first conversation?</p> <p>13 A. No. He was just a pain in the butt.</p> <p>14 Q. Well, why -- what do you mean, he was a</p> <p>15 pain in the butt?</p> <p>16 A. He was just hard to deal with, you know,</p> <p>17 because I -- we didn't want to do it that way and he</p> <p>18 just -- you know, he -- he just said that was --</p> <p>19 that way or no way, that we had to do it that way.</p> <p>20 Q. Okay. Well, I'm saying --</p> <p>21 A. I just wanted to cut the one check. I</p> <p>22 didn't want to go through 19 cashier checks and he</p> <p>23 wanted the 19 individual ones and --</p> <p>24 Q. Well, okay. Did -- did he --</p>	<p style="text-align: right;">168</p> <p>1 let 19 motorcycles go.</p> <p>2 Q. Again, but did he tell you that the sales</p> <p>3 had to be made to individuals?</p> <p>4 A. Yes.</p> <p>5 Q. Do you remember anything else that -- that</p> <p>6 Ron Buchbaum said in either this first conversation</p> <p>7 or any conversation?</p> <p>8 A. No. That's --</p> <p>9 Q. That's the substance of it?</p> <p>10 A. Pretty much, yeah.</p> <p>11 Q. And again, you don't recall the -- the</p> <p>12 number -- the exact number of the conversations or</p> <p>13 the exact length of the conversations, but your best</p> <p>14 memory is that there was two to three conversations</p> <p>15 and they were no longer than five minutes, is that</p> <p>16 correct?</p> <p>17 A. I don't really remember, but yes, I guess</p> <p>18 that's -- that's about it.</p>
<p style="text-align: right;">167</p> <p>7 Q. So you're testifying now about other</p> <p>8 things you remember Ron saying in this first</p> <p>9 conversation?</p> <p>10 A. It could have been in any of those</p> <p>11 conversations.</p> <p>12 Q. Okay.</p> <p>13 A. Okay. I don't know exactly which one it</p> <p>14 was or when it was, but I just remember, you</p> <p>15 know ...</p> <p>16 Q. Did he tell you that these motorcycles had</p> <p>17 to be sold to individuals?</p> <p>18 A. Yes.</p> <p>19 Q. And did he tell you that -- did he give</p> <p>20 you any reason as to why the motorcycles had to be</p> <p>21 sold to individuals?</p> <p>22 A. Because he couldn't do a dealer-to-dealer</p> <p>23 transaction because he had to do it in individual</p> <p>24 names for his allocation. He had to -- it had to be</p> <p>25 like a retail deal. That's the only way he could</p>	<p style="text-align: right;">169</p> <p>18 Q. I think you testified in response to</p> <p>19 Mr. Berkowitz that you had to close the company</p> <p>20 because the deal with Boston Harley-Davidson was not</p> <p>21 done correctly.</p> <p>22 A. Well --</p> <p>23 Q. Is that -- do I have that right?</p> <p>24 A. Well, it's -- it's more than that. It</p> <p>25 was -- I had some health issues. I had -- my mother</p>

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<p>170</p> <p>1 was sick. She passed away in March. And I just had</p> <p>2 a lot of things and that was just, I guess, the -- I</p> <p>3 guess that was the main run. Number one, I got</p> <p>4 arrested. Okay. Which enabled me to work -- I</p> <p>5 mean, I couldn't work. I got arrested and I had to</p> <p>6 go through a lot of legal proceedings and stuff and</p> <p>7 I just -- I couldn't work then.</p> <p>8 Q. Did -- I mean, I understand how this</p> <p>9 impacted you, obviously, with the -- the criminal</p> <p>10 matter. But is -- is -- did that also cause the</p> <p>11 company not to be able to operate because you</p> <p>12 couldn't work there anymore?</p> <p>13 A. No. They were -- they still worked. They</p> <p>14 worked up until the -- I guess it was the end of the</p> <p>15 year.</p> <p>16 Q. Okay. I'm sorry. I guess I was confused</p> <p>17 on that. My understanding was --</p> <p>18 A. Right.</p> <p>19 Q. My understanding was that the company sort</p> <p>20 of closed down shortly after this -- this incident</p> <p>21 in early August of '03.</p> <p>22 A. No. It was like -- I don't know the exact</p> <p>23 date when it finally closed, but they finally</p> <p>24 closed. They -- I mean, they were still in</p> <p>25 business, you know, for a period of time after I</p>	<p>172</p>
<p>171</p> <p>1 left.</p>	<p>173</p>

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178	180 5 Q. Do you hold any bitterness towards Boston 6 Harley-Davidson or Ron Buchbaum about what happened 7 to you? 8 A. No, I don't. Because what I did, I had to 9 be accountable for, and I was. And that's the way 10 that it is. And I just want this to get over with. 11 Q. Okay. And Ron Buchbaum or Boston 12 Harley-Davidson didn't have any part in the -- in 13 the title fraud that you pleaded guilty to? 14 A. No. None whatsoever. 15 Q. No one from Boston Harley-Davidson told 16 you to submit altered bills of sale to the 17 department of motor safety, did they? 18 A. Nope.
179	181 4 Q. Ms. Lunsford, your counsel has indicated 5 that you may wish to clarify some of your answers to 6 questions regarding your role in dealing with 7 obtaining cashier's checks from Northern Bank & 8 Trust, is that correct? 9 A. Yes. 10 Q. Why don't you go ahead and -- and do that. 11 A. Basically, on the checks, Karen 12 Christensen, you have to understand, she was our 13 accountant. She played a major role in our -- in 14 our company, okay. She handled our QuickBooks. She 15 handled everything. The checks to the employees. 16 Everything. She -- that's what she was, an 17 accountant. 18 And she is the one who took it upon 19 herself to call Northern Trust, because she could 20 deal with Northern Trust, and get the checks issued 21 individually. And she was very proud of herself 22 when she did it. She said, look what I did, I got 23 it done, I got it -- I got Northern Trust to do 19 24 different cashier checks.

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<p>182</p>	<p>184</p> <p>1 Mr. Buchbaum that you didn't have 19 customers 2 standing by, ready to buy these units? 3 MR. REHNQUIST: Objection, leading. 4 A. No. I mean, it was known that it was -- 5 the 19 bikes were going to us. 6 BY MR. BERKOWITZ 7 Q. And did he make any suggestion as to how 8 you should do the paperwork in order to make it 9 appear to be 19 retail sales or 19 sales to end 10 users? 11 A. That they needed 19 different driver's 12 license of family and friends, that it could be 13 family and friends or just whoever. 14 Q. So was it Mr. Buchbaum who suggested to 15 you to contact family and friends to do the 16 paperwork on these transactions? 17 A. Just that he needed 19 different, you 18 know, driver's license to do it. 19 Q. All right. And was he the one who 20 suggested that you could contact family and friends 21 to -- 22 A. Yes. 23 Q. -- get those 19 -- 24 A. Yes. 25 Q. -- driver's licenses?</p>
<p>183</p> <p>19 Q. In your testimony in response to 20 Mr. Rehnquist's questions, you indicated that 21 Mr. Buchbaum insisted that the deal be done with 19 22 individuals, as opposed to a single transaction, is 23 that correct? 24 A. That is correct. 25 Q. All right. And did you discuss with</p>	<p>185</p> <p>1 A. Yes.</p> <p>20 21 22 23 24 25</p>

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